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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,992	09/26/2003	Greg Edward Kontos	GEK092603	8864
34201	7590	06/01/2006		
GREG KONTOS 2219 W. GRACE ST. APT 5 RICHMOND, VA 23220				
EXAMINER MANOHARAN, VIRGINIA				
ART UNIT		PAPER NUMBER		
1764				
DATE MAILED: 06/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,992

Applicant(s)

KONTOS, GREG EDWARD

Examiner

Virginia Manoharan

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1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The abstract of the disclosure is objected to because of the inclusion of legal phraseology often used in patent claims such as "consists of" in line 2. Correction is required. See MPEP § 608.01(b).

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors, e.g., typographical, grammar, idiomatic, syntax and etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). Claim 1 is incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are the relationships for examples among the outer shell, lower chamber and upper chamber.

b). The claims are incomplete for omitting essential elements such as: for examples only: an evaporator and heater to cause the evaporation of water and a condenser for the condensation of evaporate in claim 1. Likewise, claim 3 is incomplete

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for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The steps e.g., of how fresh water will be produced are omitted.

c). The claimed "the above parts" in claim 6, provides for ambiguity since " A single piece manufacture", e.g., would not fall within the part.

d). Regarding claim3, the phrase "similar apparatus" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "similar", thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

e). There are no proper antecedent basis for supports in the claims for the following languages:

1). "the center of the pipe" in claim 1, section 5.

2). "the method of water desalination" in claim 3.

f). The term "I" in claims 1-3 should be deleted as being superfluous.

g). It is unclear whether claim 3 is an independent claim or dependent from claim 1.

h). Claim 2 is indefinite in that it fails to point out what is included or excluded by the claim language " as described below".[This claim is an omnibus type claim].

i). It is unclear why water is pumped inland only to be returned back to source as recited in claim 3.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over anyone of Fisher (3,300,393), Constantz (5,067,272) or Ramer (4,209,363).

As best as the claims can be understood, anyone of Constantz, Ramer or Fisher is deemed to anticipate or renders obvious the claimed partially separated dual chambered pipe for the desalination or distillation of water comprising: single piece manufacture; an outer shell, semi-circular on the bottom and triangular at the top; a lower chamber for the transport of salt or brackish water and the evaporation of said water; an upper chamber for the condensation of evaporate and collection and distribution of the evaporate, and two separators with supports as claimed in claims 1 and 2.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over anyone of Constantz, Fisher or Ramer in view of Kaneko ((5,409,578)).

Constantz, Fisher or Ramer is applied for the "similar apparatus" claimed in claim 1. Kaneko is applied to teach that the method of water desalination which includes

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pumping salt or brackish water inland and allowing aforementioned water to flow back towards the ocean under the power of gravity through the pipe in order to produce fresh water is a known expediency in the art. To combine the above references would have been obvious to one of ordinary skill in the art, inasmuch as all the references are directed to the same processing environment , i.e., to obtaining fresh water by solar distillation.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

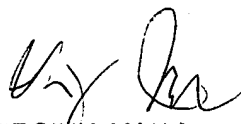
- a). Clavier discloses desalting water by using solar energy.
- b). Wilkerson, Gumucio and Delano all disclose a solar still assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (571) 272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VIRGINIA MANCHAK
PRIMARY EXAMINER
ART UNIT 123 *1764*
5/30/06